

REMARKS

This is in response to the non-Final Office Action dated June 7, 2007. The non-final Office Action was in response to a Preliminary Amendment from a second Request for Continued Examination. The present application presents 69 claims, which all stand rejected under various 103(a) rejections including, at a minimum, the asserted obvious combination of never fewer than three (3) prior art references. For at least the reasons stated below, Applicants submit the rejections are improper and all claims are patentable in view of the prior art of record.

Amendments

Claims 15-16, 18, 20-21 and 24 have been amended. Claim 15 has been amended to correct Examiner-noted confusion regarding redundancy, while Applicants disagree, claim 15 has been amended to advance the present prosecution. Claims 16, 18 and 20-21 have been amended to further clarify the claimed limitation of a Universal Resource Locator. Claim 24 has been amended to correct several noted antecedent basis issues.

Replacement Paragraph 0035 was amended to remove descriptions relating to the term “creatives.”

Objection to the Specification

The Examiner objects to the term “creatives” in the disclosure, which is heretofore removed, obviating the objection.

The Examiner objects to the description of the “area” of a probe map, to which Applicants respectfully disagree. The concept of a Probe Map is described in great detail, see for example description of operations by the traffic system analysis 210 having the probe mapping system 320 therein, see for example ¶¶ 43-44. From the corresponding map, one having ordinary skill in the art would recognize how to generate an area, where the area represents a particular

dimension of the corresponding map. Moreover, the area is clearly defined in the specification as being the area that each web page consumes in the probe map itself. (see ¶ 63). Applicants submit the objection is thereby improper.

Rejection of claims under 35 U.S.C. 103(a)

The present Office Action provides a myriad of rejections. For clarity, Applicants provide the following master list:

1. Claims 1-2, 4-10, 14, 15, 18-21, 23, 25, 32, 35, 55, 56, 58-61, 63-66 and 68-69 stand rejected as being unpatentable over U.S. Patent No. 5,995,943 (Bull) in view of U.S. Patent No. 5,784,635 (McCallum) in view of U.S. Patent No. 5,878,426 (Plasek)¹.
2. Claims 3, 22, 24, 26, 29 and 33 stand rejected as being unpatentable over Bull in view of McCallum in view of Plasek and further in view of U.S. Patent No. 6,601,100 (Lee).
3. Claims 11 and 27 stand rejected as being unpatentable over Bull in view of McCallum in view Plasek and further in view of “Consistent, Yet Anonymous, Web Access with LPWA, Feb. 1999” (Gabber).
4. Claims 12, 13 and 28 stand rejected as being unpatentable over the combination of the 5 prior art references of Bull, McCallum, Plasek, Gabber and Lee.
5. Claims 30 and 31 also stand rejected as being unpatentable over the combination of the 5 prior art references of Bull, McCallum, Plasek, Lee and U.S. Patent No. 5,878,213 (Bittinger).
6. Claim 34 stands rejected as being unpatentable over Bull in view of McCallum in view of Plasek and further in view of U.S. Patent No. 6,167,402 (Yeager).

¹ On ¶8, Page 3 of the Office Action, the Examiner also includes claim 50 in this rejection, but this is interpreted as a typographical error b/c claim 50 is addressed with the rejections of claims 16, 17, 37, 44, 48, 50 and 53-54.

7. Claims 16, 17, 37, 44, 48, 50, 53 and 54 stand rejected as being unpatentable over Bull in view of McCallum in view of Plasek and further in view of a reference referred to by the Examiner as “Blumenau” without provision of a U.S. Patent No.

8. Claims 38, 41, 45, 49 and 51 stand rejected as being unpatentable over the combination of the **5** prior art references Bull, McCallum, Plasek, Blumenau and Lee.

9. Claim 39, 40 and 52 stand rejected as being unpatentable over the combination of the 6 prior art references of Bull, McCallum, Plasek, Blumenau, Lee , and Gabber.

10. Claims 42 and 43 stand rejected as being unpatentable over the combination of the 6 prior art references of Bull, McCallum, Plasek, Blumenau, Lee and Bittinger.

11. Claim 46 stands rejected as being unpatentable over the combination of the **5** prior art references of Bull, McCallum, Plasek, Blumenau and Yeager.

12. Claim 47² stands rejected as being unpatentable over the combination of the **5** prior art references of Bull, McCallum, Plasek, Blumenau and No U.S. Patent No. given, just referred to as Pallmann.

² Listed as Claim 46 on page 18, but considered a typo - and implied reference to claim 47.

All Independent claims (1, 6-7, 25, 37, 48, 50, 53, 55, 60 and 65) stand rejected by Bull in combination with various other prior art combinations. After extensive review of Bull, Applicants must respectfully disagree with the present rejections because Bull fails to teach or suggest the limitations for which the Examiner has herein asserted.

As understood and described by the Examiner, Bull describes a Datastore that stores traffic data relating to an individual user's activity. The Bull system then uses this data to enhance "URL Munging" to the specific user, e.g. providing as many personalized hyperlinks or advertisements to the user. More specifically, Bull tracks where within an existing computing system, e.g. web portal, a particular user travels, such as to which towns did the user seek airfare, did the user request rental car information, did the user look for hotel information, etc.

In support of the present rejection, the Examiner asserts that Bull teaches the claimed "traffic data." Applicants must respectfully disagree. In support of this position, the Examiner cites to col. 3, lines 27-65 of Bull. The Examiner-cited passage describes the user logging into a main system and then surfing the web site through the main system as the portal. This main system then tracks the type of content that the user views, such as the examples of "Germany travel, the Olympics, Spring Break or even new cars." (col. 3, lines 51-52). The words that describe the user-visited content is then used to link to corresponding advertisements, among other features.

The detection and logging of the type of content that a user accesses is wholly inconsistent with the claimed "traffic data." Traffic data, by its plain and ordinary meaning relates to data about traffic and not data about the content of the traffic. This distinction defines a fundamental difference between the claimed invention and the Examiner's application of Bull, where Bull relates to determining the types of content and context-based activities that a user

performed online, the claimed “traffic data” concerns itself with data relating to the traffic that exists across the claimed network. Moreover, while the Examiner is given a broad and reasonable scope in interpreting claims during examination, Applicants submit that it is overly broad and hence unreasonable to find Bull’s content data as teaching or suggesting the claimed traffic data.

Regarding dependent claims 2-5, 8-10, 14-24, 26, 29-36, 38, 41-43-47, 49, 51, 54, 56-59, 61-64 and 66-69, these dependent claims recite additional patentable subject matter in view their corresponding Independent claims. Applicants submit these claims are also patentable for at least the same reasons as stated above. Applicants also note the present position is being submitted for the sake of brevity and that Applicants do not acquiesce to the Examiner’s positions regarding the voluminous application of assorted prior art reference combinations to the dependent claims.

Therefore, Bull, McCallum and Plasek, alone or in combination with one or more of: Bittinger, Yeager, Blumenau, Lee, and Pallmann, fail to teach or suggest all of the claim limitations recites herein. Accordingly, the twelve separate rejections are improperly based, at least in part on, the shortcomings of Bull in failing to teach or suggest the claimed “traffic data.” Therefore, Applicants request reconsideration and withdrawal of the present rejections and passage of these claims to issuance.

Conclusion

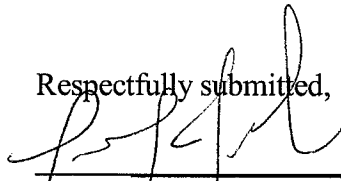
For these reasons, the applicants respectfully request that the Examiner withdraw the rejections as they might be applied to the claims as pending following entry of this amendment and allow the claims. To expedite prosecution of this application to allowance, the Examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 50-4026 if required in the submission of this Amendment.

Dated: October 09, 2007

THIS CORRESPONDENCE IS BEING SUBMITTED
ELECTRONICALLY THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING SYSTEM ON
October 09, 2007.

Respectfully submitted,



Timothy J. Bechen
Reg. No. 48,126
DREIER LLP
499 Park Ave.
New York, New York 10022
Tel : (212) 328-6100
Fax: (212) 328-6101

Customer No. 61834